

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALCOA INC.,

Plaintiff,

vs.

ALCAN RHENALU,

Defendant.

C.A. No. 06-383-SLR

**CORRECTED NOTICE OF RULE 68 OFFER OF JUDGMENT AND
ACCEPTANCE**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, attached as Exhibit A is the Offer of Judgment served by Defendant Alcan Rhenual on June 13, 2007 and attached as Exhibit B is Plaintiff Alcoa Inc.'s Notice of Acceptance served on June 26, 2007.

OF COUNSEL:

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(302) 651-7700

Attorneys for Plaintiff Alcoa Inc.

Dated: June 27, 2007

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2007, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and which has also been served as noted:

E-MAIL and HAND DELIVERY:

Steven J. Balick
Ashby & Geddes
222 Delaware Avenue
P.O. Box 1150
Wilmington, Delaware 19899

I hereby certify that on June 27, 2007, the foregoing document was sent to the following non-registered participants in the manner indicated:

E-MAIL:

Steven R. Trybus
Shelly Smith
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, Illinois 60611-7603

Kelly E. Farnan
Kelly E. Farnan (#4395)

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALCOA, INC.,)
Plaintiff,)
v.) C.A. No. 06-383-SLR
ALCAN RHENALU,)
Defendant.)

RULE 68 OFFER OF JUDGMENT

Defendant Alcan Rhenalu, by and through its attorneys, hereby makes the following offer of judgment to Plaintiff Alcoa Inc. pursuant to Federal Rule of Civil Procedure 68:

1. As an offer of judgment, Alcan Rhenalu hereby offers to allow the Court to enter the following injunction against it:

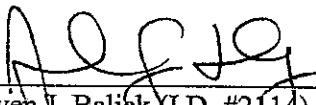
Pursuant to 35 U.S.C. §283, defendant Alcan Rhenalu, and its officers, agents, servants, employees, and their successors, and all those in active concert or participation with them who receive actual notice of this injunction, are now and hereafter during the enforceable term of United States Patent No. 5,213,639 ("the '639 patent") prohibited and enjoined from:

- a) making, using, selling, or offering to sell (where the sale will occur in the United States during the enforceable term of the '639 patent) alloy 2056, or any merely colorable imitation thereof, in the United States,
- b) importing alloy 2056, or any merely colorable imitation thereof, into the United States, and
- c) actively inducing third parties to take actions to infringe the '639 patent in connection with alloy 2056, or any merely colorable imitation thereof, when Alcan Rhenalu knows or should know that the third party intends to take actions with such alloy that would ultimately constitute or lead to direct infringement of the '639 patent,

provided, however, in all instances, that temporary presence in the United States, as set forth in 35 U.S.C. §272, shall not be a violation of this injunction.

2. As part of this Offer, Alcan Rhenalu also hereby offers to allow judgment to be taken against it in the total sum certain of \$5,000, such amount being inclusive of all costs.
3. This Offer is to be in full and final settlement of Alcoa's claims against Alcan Rhenalu that were asserted or could have been asserted in this action by Alcoa.
4. Each party shall bear responsibility for its own attorneys' fees.
5. This Offer does not constitute an admission of liability or an admission that Alcoa has suffered any damages.
6. As set forth in Rule 68, this Offer of Judgment will expire 10 days from the date of service.

ASHBY & GEDDES



Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
500 Delaware Avenue, 8th Floor
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Of Counsel:

Steven R. Trybus
Donald R. Cassling
Shelley Smith
Patrick L. Patras
JENNER & BLOCK LLP
330 N. Wabash Avenue
Chicago, IL 60611

Dated: June 13, 2007
181518.1

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June, 2007, **Alcan Rhenalu's Offer of Judgment** was served upon the below-named counsel of record at the address and in the manner indicated:

Frederick L. Cottrell, III, Esquire
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899

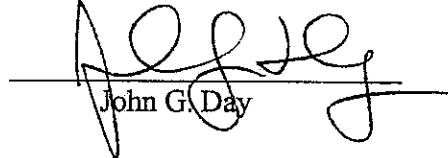
HAND DELIVERY

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VIA ELECTRONIC MAIL

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VIA ELECTRONIC MAIL



John G. Day

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALCOA INC.,

Plaintiff,

vs.

ALCAN RHENALU,

Defendant.

C.A. No. 06-383-SLR

NOTICE OF ACCEPTANCE OF RULE 68 OFFER OF JUDGMENT

PLEASE TAKE NOTICE that, pursuant to Rule 68 of the Federal Rules of Civil Procedure, plaintiff Alcoa Inc. accepts the Offer of Judgment served by defendant in this action on June 13, 2007, allowing Alcoa Inc. to take judgment against Alcan Rhenalu in the amount of \$5000 and for entry of the injunction set forth in the Offer of Judgment.

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Attorneys for Plaintiff Alcoa Inc.

Dated: June 26, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2007, true and correct copies of the foregoing were served upon Defendant at the addresses and in the manner indicated below:

BY E-MAIL and HAND DELIVERY

Steven J. Balick
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BY E-MAIL and FEDERAL EXPRESS:

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